RURAL EXTENSION TRAINING CENTRE

PANCHAYATI RAJ ADMINISTRATION

MODEL RULES OF BUSINESS

सत्यमेव जयते

MINISTRY OF COMMUNITY DEVELOPMENT & COOPERATION
(DEPARTMENT OF COMMUNITY DEVELOPMENT)
GOVERNMENT OF INDIA

1961

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PREFACE

The Government of India, in the Ministry of Community Development and Cooperation, appointed in March, 1961, a Study Group on Panchayati Raj Administration for making a critical study of all the material available on the subject and for evolving a set of detailed model rules of business. The Study Group has finalised its Report which is contained in the following pages.

2. The Government of India are in general agreement with the recommendations made by the Study Group and are of the view that these could be used by the State Governments as model rules of business and could be adopted with such modifications as may be necessary to suit the local conditions. As recommended by the Study Group in para 1.9 of the Report, it is suggested that the rules and instructions could, after issue, be usefully incorporated in a Manual on Panchayati Raj Administration which may be made available to all the functionaries at the Zila Parishad, Panchayat Samiti and Panchayat levels.

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INTRODUCTION

Panchayati Raj is at present under implementation in seven States. Five other States are expected to finalise their enactments shortly. Village Panchayats are already functioning or are being constituted in the remaining three States and two Union Territories. In order that the Panchayati Raj institutions function properly and carry out their obligations, it is necessary to frame relevant rules and procedures for their working. Further, the duties and functions of the various functionaries, both official and non-official, have to be clearly defined.

1.2. Some States have formulated the necessary rules, procedures, instructions, etc. Others are in the process of doing so. As the new system has certain basic objectives and the obligations and functions of the new institutions are related to these objectives, the rules and procedures for their working must be so framed as to ensure fulfilment of these objectives. Thus the need arose for a close and critical study of all the available material on the subject of Panchayati Raj Administration with a view to evolving a set of detailed model rules which could, with suitable modifications, be generally adopted in all the States. Accordingly, the Ministry of Community Development and Cooperation appointed a Study Group on Panchayati Raj Administration in March, 1961, comprising the following officers :—

Shri V. Isvaran, Chief Secretary to the Government of Gujarat, Ahmedabad—Chairman.

Shri A. Prakash, Commissioner (Panchayati Raj), Ministry of Community Development and Cooperation, New Delhi—Convener and alternate Chairman.

Members

(1) Shri Bhagwant Singh, Director of Panchayats, Government of Uttar Pradesh, Lucknow.

(2) Shri Ram Singh, Joint Development Commissioner, Government of Rajasthan, Jaipur.

(3) Shri B. Venkataramiah, Under Secretary, Government of Mysore, Bangalore.

*(4) Shri P. G. Salvi, Secretary, Democratic Decentralisation Committee, Government of Maharashtra, Bombay.

*(5) Shri P. V. Ratnam, Deputy Development Commissioner, Government of Andhra Pradesh, Hyderabad.

*(6) Shri T. N. Seshan, Deputy Secretary, Government of Madras.

(7) Shri S. D. Khanna, Under Secretary, Development Department, Government of Punjab.

1.3. The Group met at Mussoorie from the 14th to the 21st May, 1961 and prepared a draft Report containing rules and procedures to regulate and facilitate the working of the Panchayati Raj institutions. This Report was sent to all the State Governments for their comments. The Report along with the comments received from State Governments was placed before the Annual Conference on Community Development and the Conference of State Ministers of Community Development and Panchayati Raj held at Hyderabad in July, 1961. The Conferences generally endorsed the recommendations contained in the Report.

1.4. The Study Group met again at New Delhi on the 18th and 19th September, 1961 and finalised its Report after further discussion in the light of the comments received from the State Governments on the draft Report.

1.5. The Study Group has kept the following objectives in view while making its recommendation :—

(i) Each one of the institutions of the three-tier system should play its role as an 'autonomous' body free to act within the scope given to it for the development of the area within its jurisdiction.

(ii) The rules should be in keeping with the democratic spirit essential for the working of these institutions.

(iii) The rules should be such as would ensure that the decisions taken by these institutions are respected and carried out satisfactorily by the executive and that the elected representatives and the executive official agency understand each other's role.

(iv) The administrative and procedural arrangements should lead to maximum efficiency and economy.

(v) The rules and procedures should be simple and such as can be easily understood by the various functionaries, both official and non-official.

1.6. It is realised that the same set of uniform rules and instructions cannot be adopted in all the States and that there are bound to be local variations to suit the peculiar conditions and the needs of each State. The model rules and instructions suggested, therefore, should be taken to indicate the general approach to the problem of meeting the needs of Panchayati Raj institutions in the field of Administration.

*Attended only the meeting of the Group at Mussoorie.

1.7. The Group has, among other things, suggested in the Report that the State Government's budget year and the budget year of the Panchayati Raj institutions may have a phased difference. Some State Governments are of the view that from the point of view of Statutory Audit and the preparation of Annual Appropriation Accounts by the Accountant General, it would not be feasible to introduce a phased difference. Some others feel that the State Governments will have no difficulty even under the existing system, in intimating well in time the probable allocation of funds to the Panchayati Raj institutions before the Budget Session of the Assembly with a view to enable them to prepare their budget appropriately.

The Group feels that the main object is not only to enable the framing of a realistic budget by the Panchayati Raj institutions but also to ensure the maximum utilisation of the funds provided for. Further, programmes under implementation by these institutions should not suffer for want of funds during the interregnum between the closing of a financial year and issue of fresh sanctions for expenditure for the following financial year.

In view of the specific advantages and absence of any real practical difficulty, the Group has recommended that there may be a phased difference between the budget year of the State Governments and that of the Panchayati Raj institutions.

Secondly, it is presumed that there will be a separate Accounts and Audit Organisation which will be responsible for keeping a watch over the progress of expenditure of the Panchayati Raj institutions. The State Government can place before the Accountant General a Report from this Organisation along with the other material which will be already available with the Accountant General for the preparation of the Annual Appropriation Accounts.

1.8. The Group has also recommended the establishment of a Panchayati Raj Service in each State. The scheme of Democratic Decentralisation envisages progressive dispersal of authority and initiative and, therefore, a steady enlargement of the scope and sphere of work and activities of the Panchayati Raj institutions is inevitable. There is thus great need for an efficient cadre of civil servants to serve these institutions. This new cadre of workers can be drawn from the Panchayati Raj Service to be constituted at the level of the State. In order to maintain quality, it is necessary to entrust the recruitment to the Service to an independent Service Commission to be called the Panchayati Raj Service Commission. It is felt that the existing State Public Service Commissions will not be able to cope up with the large volume of recruitment to be done to the Service. Secondly, the members of the Service should have adequate security and prospects of promotion in order that they may give

their best to these institutions. The Panchayati Raj Service Commission will be expected to safeguard their interests.

1.9. Some of the recommendations contained in the Report can be implemented only by a fresh legislation or by amendment to existing legislation but the vast majority of them are such as could form the subject of rules or executive instructions or both. Such rules or executive instructions will, however, have to be so framed as to be consistent with the legislation in force in each State. It is suggested that the rules and instructions could, after issue, be usefully incorporated in a Manual on Panchayati Raj Administration which may be made available to all the functionaries at the Zilla Parishad, Panchayat Samiti and Panchayat levels. Any changes in the shape of additions, amplifications, substitution, etc., should be correlated to the relevant rules and instructions as brought out in the Manual and incorporated in the Manual at regular intervals.

1.10. Panchayati Raj is a growing concept. Legislation on it differs from State to State. Further adjustments or changes may have to be made after some more experience is gained in the implementation of the scheme of democratic decentralisation. This would necessarily require adjustments in the administrative procedures and rules governing the working of these institutions. In this context it is felt that it would be desirable if some kind of an evaluation or study is made after a lapse of some reasonable time, of the adequacy of the rules and procedures which have been suggested in this Report and the whole subject considered again.

2. GRAM SABHA

Functions

2.1. The functions of the Gram Sabha may be the following:–

(i) To discuss and offer suggestions on the draft annual budget and annual programme of the Panchayat.

(ii) To consider the Annual Administration Report of the Panchayat.

(iii) To consider the Audit Report of the Panchayat.

(iv) To consider proposals for fresh taxation or enhanced taxation for a new programme not covered by the budget and the annual programme.

(v) To consider proposals for organising community service, voluntary labour or mobilization of the local people for any specific work included in the annual or supplementary programme.

Procedure for convening meetings.

2.2. The Sarpanch shall convene the Gram Sabha meeting unless some other person is empowered to do so by statute. At least 15 days' notice shall be given for an ordinary meeting. The notice of the meeting shall be pasted at (a) the Panchayat office/Village Chavadi, (ii) the market (or markets) and (iii) important places in each ward. It shall also be announced by beat of drum twice–on the day of the issue of notice and on the day preceding the meeting.

2.3. The notice of meeting shall specify the date, time and place of the meeting and shall also indicate the nature of business to be transacted thereat. The Sarpanch shall preside over the meeting unless otherwise provided for by law.

2.4. Special or emergent meetings of the Gram Sabha may be convened by the Sarpanch by giving notice of not less than three days, the manner of publication being the same as for an ordinary meeting.

2.5. Subject to such statutory provisions as may exist, special meetings shall be convened on a requisition by not less than 20% of the members of the Gram Sabha.

2.6. Provision should be made for convening such meetings wherever the law does not provide for it.

Conduct of meetings.

2.7 The quorum for the meeting of the Gram Sabha shall be 1/5th of the number of its members.

2.8. It shall be open to any member to raise interpellations or send proposals for consideration at any meeting of the Gram Sabha. In respect of every such interpellation or proposal not less than seven days' notice shall be given in writing to the Sarpanch. The Sarpanch may disallow any interpellation or proposal which does not satisfy the undermentioned conditions. A list of interpellations and proposals so disallowed shall be put up on the notice board of the Panchayat Office. In the case of questions or proposals which are defamatory in character, only the serial number of the question or proposal and the name of the mover should be given and not the details thereof.

(i) In order that an interpellation may be admissible it must satisfy the following conditions, namely:—

(a) it must not publish any name or statement not strictly necessary to make the question intelligible;

(b) if a question contains a statement, the member asking it must make himself responsible for the accuracy of the statement;

(c) it must not contain arguments, inference, ironical expressions or defamatory statements;

(d) it must not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition.

(e) it may not be asked as to the character or conduct of any person except in his official or public capacity;

(f) it must not be of excessive length; and

(g) a question once fully answered may not be asked again.

(ii) No proposal shall be admissible which does not comply with the following conditions, namely:—

(a) it shall be clearly and precisely expressed and shall raise a definite issue; and

(b) it shall not contain arguments, inferences, ironical expressions or defamatory statements; nor shall it refer to the conduct or character of persons except in their official or public capacity.

2.9. The Sarpanch may, at his discretion, allow any interpellation or proposal with shorter notice or at the meeting itself.

2.10. Every resolution moved shall be seconded and a decision taken after due consideration. The wishes of the Sabha shall be ascertained by voice vote where the sense of the meeting is very clear; if there is any doubt, by show of hands, and, if necessary, by division.

2.11. The Secretary/executive authority shall record the proceedings of the meeting and the proceedings shall be signed by the Sarpanch and all the members of the Panchayat present. The Secretary/executive authority shall maintain the record of all proceedings.

2.12. A report of the action taken on the decisions shall be placed before the next meeting of the Gram Sabha.

2.13. It is desirable that the Gram Sabha should meet at least twice a year. For the purpose of holding meetings, where the size of the Gram Sabha is unwieldy, it may be split up into groups of convenient size and each group may meet separately. However, the Gram Sabha, as a whole, shall also meet and consider the views of all the groups so that the views of the entire Gram Sabha may be available to the Panchayat concerned.

2.14. The order of business at every ordinary meeting shall be:—

(i) Reading of the Proceedings of the previous meeting.

(ii) Report of the action taken on the decisions of the Gram Sabha.

(iii) Important decisions of the Panchayat after the last meeting of the Gram Sabha.

(iv) Interpellations.

(v) Statement of receipts and expenditure.

(vi) Audit report and replies thereto.

(vii) Items such as budget, plan, resolutions, programmes, etc.

(viii) Any matter which the Panchayat Samiti/Zilla Parishad, Collector or the State Government may require the Gram Sabha to consider.

(ix) Any other item which may be raised with the permission of the Sarpanch.

2.15. At the meeting convened to consider the budget, the entire budget shall be read out and the receipts and expenditure explained item by item. The programme of work shall also be explained and the views of the Gram Sabha on the budget and programmes obtained.

2.16. It shall be the duty of the Sarpanch to regulate the transaction of business at the meeting and to preserve order. He shall have the powers necessary for these purposes.

2.17. If any member disregards the authority of the Chairman or is guilty of obstructive or offensive conduct in, or interrupts the proceedings of, a meeting, the Chairman shall have power to cause the withdrawal of such person from the meeting.

2.18. If it is not possible to complete the discussion of the items on the agenda on the date fixed, the meeting may be continued on any subsequent day/days.

2.19. In order to consider the proposals coming before the Gram Sabha, a meeting of the Panchayat shall be held on the day immediately preceding the date fixed for the meeting of the Gram Sabha.

2.20. The V. L. W. as also the village functionaries of the State Government/Zilla Parishad/Panchayat Samiti shall invariably attend all meetings of the Gram Sabha. The Panchayat Extension Officer and the Social Education organiser should attend as many meetings of the Gram Sabha as possible.

3. PANCHAYATS

Convening of Meetings.

3.1 (i) No meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be transacted thereat has been given at least three clear days before the day of the meeting. The meetings shall ordinarily be held at the Panchayat office.

(ii) In case of urgency, the Sarpanch may convene a meeting after giving a notice of 24 hours.

3.2 (i) The Sarpanch shall, on a requisition in writing of not less than one-third of the members then on the Panchayat, convene a meeting of the Panchayat, provided that the requisition specifies the day (not being a day observed by the Panchayat as a holiday) and the purpose for which the meeting is to be held. The requisition shall be delivered at the office of the Panchayat during office hours to the Sarpanch, the executive officer or any other person who may then be in charge of the office, at least ten clear days before the day of the meeting.

(ii) If the Sarpanch fails within 72 hours from the delivery of such requisition to call a meeting on the day specified therein or within three days thereafter, the meeting may be called by the members who signed the requisition on giving the notice provided for in para 3.1 to the other members of the Panchayat.

(iii) No meeting under (i) or (ii) above shall be convened at any place other than the place where the office of the Panchayat is situated.

3.3 Notice of every meeting shall be sent to each member of the Panchayat and delivered by personal or substituted service. Such notice shall also be pasted on the notice board at the office of the Panchayat.

3.4 The agenda for the meeting, unless already circulated with the notice of the meeting itself, shall be circulated in the same manner as the notice of the meeting at least one day in advance of the meeting.

Procedure for meetings.

3.5 No business shall be transacted at any meeting of a Panchayat unless there be present at least one-third of the number of members then on the Panchayat or three whichever is higher. If within one hour after the time appointed for the meeting a quorum is not present the meeting shall stand adjourned unless all the members present agree to wait longer.

3.6 All the meetings of the Panchayat shall be open to the public,

provided that the presiding member may, in any particular case, direct that the public generally or any particular person shall withdraw.

3.7 The names of members present at each meeting shall be entered in the record of proceedings. Whenever a member leaves the meeting during the proceedings, the fact shall be noted in the proceedings at the appropriate stage.

3.8 In case of any resolution not carried unanimously, the names of the members who vote for and against it shall be recorded.

3.9 The proceedings shall be recorded as each item on the agenda is disposed of, and shall be signed by all the members present at the end of the meeting.

3.10 The record of the proceedings shall during the hours the office is open be available without charge at the office of the Panchayat to the inspection of any person on the electoral rolls.

3.11. The rules mentioned in para 2.7 above shall apply to interpellations or resolutions moved at the meetings at the Panchayat.

3.12. The Secretary/executive authority of the Panchayat shall be responsible for the maintenance of the record of the proceedings.

3.13. Not more than thirty days shall elapse between two meetings of the Panchayat, special meetings being called whenever necessary.

3.14. No resolution of a Panchayat shall be modified or cancelled within three months of the passing of the same except by a resolution passed by not less than one half of the total number of members of the Panchayat. Due notice of the meeting shall be given, setting forth fully the resolution which it is proposed to modify or cancel and the precise manner in which it is proposed to be modified.

3.15. The agenda of the Panchayat Samiti for the next meeting, and the proceedings of the Samiti for the previous meeting, if any, shall be placed before the Panchayat. Whenever any important item on the agenda of the meeting of a Panchayat Samiti requires consideration by the Panchayat, a special meeting of the Panchayat may be convened for the purpose.

3.16. The order of business at the Panchayat meeting shall be:

(i) Reading of the proceedings of the previous meeting.

(ii) Report of action taken on the decisions taken at the previous meeting of the Panchayat.

(iii) Action taken on the decisions of the last meeting of the Gram Sabha.

(iv) Interpellations, if any, sent by members.

(v) Statement of receipts and expenditure.

(vi) Progress reports.

(vii) Items such as budget, plans, programmes, resolutions, audit reports, etc.

(viii) Any matter which the Samiti, Zila Parishad, the Collector or the State Government may require the Panchayat to consider.

(ix) Any other item which may be brought up at the meeting with the permission of the Sarpanch.

3.17. Important decisions which the Panchayat considers necessary to bring to the notice of the general public shall be put up on the notice board at the office of the Panchayat and also published at important places in all the wards of the village.

3.18. It shall be the responsibility of the Sarpanch to carry out the decisions of the Panchayat.

Duties of the Secretary.

3.19. Where a Panchayat has a full-time Secretary, the following shall be among his functions and duties :

(i) The Secretary shall attend every meeting of the Gram Sabha, the Panchayat and of every Committee thereof. He shall furnish information or any clarification necessary to answer questions put or resolutions moved at the meetings.

(ii) The Secretary shall record the minutes of the proceedings of each meeting of the Gram Sabha and the Panchayat and shall forward copies of such minutes or extracts thereof to such officers as may be specified in this behalf.

(iii) The Secretary shall be responsible for the supervision, direction and control of all the servants of the Panchayat subject to the overall control of the Sarpanch.

(iv) The Secretary shall be responsible for the proper maintenance of all the Panchayat accounts in the manner laid down by the provisions of the Act and the Accounts Rules.

(v) The Secretary shall be responsible for the prompt recovery of the taxes and the other dues of the Panchayat.

(vi) The Secretary may be authorised to file complaints and suits on behalf of the Panchayat and to conduct the proceedings on its behalf under the orders of the Panchayat.

(vii) The Secretary shall take prompt measures to remove any irregularity pointed out by the Auditor or by the Panchayat Samiti or any other inspecting authority.

(viii) The Secretary shall promptly report to the Sarpanch all cases of fraud, embezzlement, theft or loss of money or property of the Panchayat.

(ix) The Secretary shall be responsible for the proper maintenance and custody of all Panchayat records in accordance with the rules for the time being in force.

(x) The Secretary shall perform all the administrative and other duties which may be entrusted to him by the Panchayat.

3.20. The Security to be furnished by the Secretary may vary from Rs. 200 to Rs. 1,000.

3.21. The incoming post shall be opened by the Secretary. The Sarpanch may however himself open the post if he so desires. In cases where one Secretary serves more than one Panchayat, the post shall normally be opened by the Sarpanch. Communications addressed by name to the Sarpanch shall be opened by the Sarpanch unless he authorises the Secretary of the Panchayat to open them on his behalf. All out-going letters except routine letters shall be shown to the Sarpanch.

Panchayat and Village Level Officers.

3.22. The notice and agenda of all Panchayat meetings shall invariably be sent to the village level worker. The village level worker should attend as many meetings of the Panchayats as possible and in particular, those in which development subjects are considered.

3.23. Important decisions taken by the Panchayat shall as far as possible be communicated to the village level worker.

3.24. The Village level worker should acquaint himself with the decisions of the Panchayat during his visits to the village.

3.25. The Panchayat may require the attendance of all village level officers connected with land revenue (collection and maintenance of records), distribution of water, etc. at Panchayat meetings. The State Governments should issue executive instructions requiring these officers to attend Panchayat meetings whenever called upon to do so.

3.26. The village level officers should, if so required by the Panchayat, furnish information and statistical data required by it. A detailed illustrative list of the information and data which would be useful to the Panchayat may be drawn up by each State Government while issuing instructions.

3.27. Differences of opinion may arise between the village level worker and the Panchayat in respect of the following:

(i) Technical advice given by the V.L.W. regarding execution of programmes;

(ii) Organising/mobilising of local effort and resources;

(iii) Enforcement of higher technical and other advice of Extension Officers etc. conveyed through the V.L.W.

The V.L.W. may bring these up at the monthly staff meetings so that the B.D.O. may be apprised of the position and keep the Samiti informed of the developments.

Committees of the Panchayat

3.28. Unless otherwise provided, the Panchayat shall decide the number of committees to be formed and the composition of each committee. It is recommended however that each Panchayat may have a minimum of three committees, namely, (1) Agricultural Production Committee, (2) Welfare Committee and (3) General (Standing) Committee, dealing with administration, finance, management of properties, etc.

3.29. No member of a Panchayat shall be a member of more than two committees.

3.30. The Sarpanch should be *ex-officio* member of all committees and Chairman of at least one committee. (The Up-Sarpanch may be Chairman of one of the committees).

3.31. The number of co-opted members on each committee shall not be more than two and shall in no case exceed the number of members of the Panchayat on the committee.

3.32. The co-opted members shall, as far as possible, be from associate and voluntary welfare organisations.

3.33. The Chairman of the committee shall be the convenor. Three days' notice of ordinary meetings and one day's notice of special meetings shall be given.

3.34. The manner of service of notice shall be the same as for Panchayat meetings.

3.35. No business shall be transacted at any meeting of the committee unless one-third of its strength or three members whichever is higher, are present.

3.36. The rules of procedure for Panchayat meetings shall generally apply to the meetings of committees.

3.37. The Chairman of the committee shall preside over the meetings whenever he is present and in the absence of the Chairman the members shall elect a Chairman.

3.38. All questions shall be decided by a simple majority of the members present and in case of equality of votes the Chairman shall have and exercise a second or casting vote.

3.39. The Secretary of the Panchayat shall normally be the Secretary of the committees also. Where this is not possible, the committee may choose one of its members as Secretary.

3.40. A written record of the proceedings of every meeting shall be kept.

3.41. The proceedings shall be signed or attested at the end by all the members present.

3.42. The responsibility for the maintenance of the record of proceedings shall be that of the Secretary of the committee.

3.43. The proceedings of every meeting of every committee shall be placed before the Panchayat at its next meeting.

3.44. The functions of the Panchayat which are of an administrative or regulatory character shall not be delegated to the committees.

3.45. Where powers are delegated to a committee, the Panchayat shall reserve to itself the power to review, cancel, modify or otherwise amend any decision of the committee within 60 days of such decision.

3.46. Each committee shall be responsible for the implementation of all its decisions in respect of subjects assigned to it. All administrative work involved in carrying out the decisions of a committee shall be attended to by the executive authority of the Panchayat. The responsibility for ensuring public participation, proper supervision of the work which is being done, and for the timely completion of the same shall be that of the committee. The committee may in turn assign different items of its work to one or more of its members.

3.47. The office procedure for the work of a committee shall be the same as that for the Panchayat.

3.48. The meetings of a committee shall normally be held at the Panchayat office unless the committee unanimously decides to meet elsewhere.

4. PANCHAYATS AND PANCHAYAT SAMITIS

4.1. A gist of the decisions of the Panchayat Samiti communicated to the Panchayat shall be placed before the next meeting of the Gram Sabha. A copy of the detailed proceedings of the Panchayat Samiti meetings shall be kept at the Panchayat office for the inspection of any member of the Gram Sabha.

4.2. A brief account of the activities of the Panchayat Samiti, more especially those which have a bearing on the work of the Panchayat itself, shall be placed before the next meeting of the Gram Sabha.

4.3. Where a Panchayat is to be entrusted with any agency function by the Panchayat Samiti, Zila Parishad, or State Government, a resolution of the Panchayat accepting the agreed conditions under which the work or function will be undertaken by it shall be passed before the work is so entrusted.

Role of the Chairman.

4.4. In order that the Chairman of the Samiti may be able (i) to assess the progress of works and schemes under the various programmes drawn up by the Panchayat Samiti, (ii) to acquaint himself with the work of the Extension staff, and (iii) to provide the necessary assistance and guidance to the constituent Panchayats in the drawing up of programmes and their implementation, the Chairman should visit every Panchayat in his jurisdiction at frequent intervals and in any case not less than twice a year. During his visit he should meet the Sarpanch and members of the Panchayat, members of the committees and associate organisations, and the villagers and discuss their problems.

4.5. He should visit the institutions and works in progress in the Panchayat areas. He should also discuss the village plan with special reference to the schemes and works sponsored and financed by the Panchayat Samiti and higher organisations.

4.6. He should indicate the points requiring action to the executive authority of the Samiti or the Panchayat as the case may be.

5. PANCHAYAT SAMITIS

Convening of meetings.

5.1. The Chairman (including the Chairman-delegate) or in his absence the Vice-Chairman shall convene meetings of the Panchayat Samiti.

5.2. (i) The Chairman shall, on the requisition in writing of not less than one-third of the members then on the Samiti, convene a meeting of the Samiti provided that the requisition specifies the day when and the purpose for which the meeting is to be held. The requisition shall be delivered at the Samiti office during office hours to the Chairman, or any other person who may then be in charge of the office at least ten clear days before the day of the meeting.

(ii) If the Chairman fails within forty-eight hours from the delivery of such requisition to call a meeting on the day specified therein, or within three days thereafter, the meeting may be called by the members signing the requisition on giving the notice provided for in the para 5.6 to the other members of the Samiti.

Procedure for the meeting.

5.3. In the absence of both the Chairman (including the Chairman-delegate) and the Vice-Chairman, the meeting shall be called according to such procedure as may be prescribed.

5.4. Not more than 90 days shall elapse between any two meetings of the Samiti.

5.5 No meeting shall be held on any day observed by the Samiti as a holiday.

5.6. (i) No meeting shall be held unless notice of the place, date and time of the meeting and of the business to be transacted thereat, is given at least ten clear days before the date of the meeting.

(ii) In case of urgency, the Chairman may convene a meeting on giving notice of not less than three days.

5.7. The agenda for the meeting shall be prepared by the Block Development Officer in consultation with the Chairman. The Block Development Officer may, however, include in the agenda any subject which in his opinion should be considered by the Samiti and shall also include therein any subject specified by the Chairman.

5.8. Every meeting shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both the Chairman and Vice-Chairman by a member chosen by the members present at the meeting.

5.9. Whenever the Chairman finds it necessary temporarily to leave the chair, he may call on the Vice-Chairman or in the latter's absence some other member to preside.

5.10. All meetings of the Samiti shall be open to the public, provided that the person presiding may in any particular case direct that the public generally or any person shall withdraw.

5.11. All questions which may come before a Samiti at any meeting shall be decided by a majority of the members present and voting at the meeting, and in case of equality of votes, the person presiding shall have and exercise a second or casting vote. In the case of any resolution not carried unanimously, the names of the members who vote for and against shall be recorded if so demanded by any member present at the meeting.

Quorum.

5.12. No business shall be transacted at any meeting of the Samiti unless there be present at least one-third of the number of members of the Samiti actually serving at the time.

5.13. If, within half an hour after the time appointed for a meeting, the quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer.

5.14. No resolution of a Samiti shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the Samiti supported by not less than one-half of the total number of members of the Samiti.

5.15. (i) Minutes of the meeting shall be drawn up and entered in a book to be kept for the purpose and shall be signed by the person presiding over each meeting. Where a decision taken in matters connected with law, procedure, standing orders of Government etc. is not in consonance with the advice rendered at the meeting by the Block Development Officer, a record of the advice rendered by him shall be kept as part of the proceedings.

(ii) The Block Development Officer shall send a copy of the minutes of the meeting of the Samiti to the Zila Parishad/Collector within seven days thereof.

Conduct of members.

5.16. A member, while speaking, shall not :

(i) comment on any matter on which a judicial decision is pending;

(ii) make a charge against a member or officer of the Samiti in relation to his conduct except in his official or public capacity;

(iii) use offensive language about the conduct or proceedings of the Parliament, or of the Legislature of any State or of any Parishad or Samiti;

(iv) utter defamatory words; or

(v) use his right of speech for the purpose of obstructing the business of the Samiti.

5.17. A member who has once addressed the meeting on a motion shall not subsequently move or second an amendment thereto or otherwise take part in the debate.

5.18. No member shall speak on a motion after it has been put to vote by the presiding member.

5.19. No member may speak more than once on a motion except the mover who has the right of reply. After the mover's reply, no member shall speak on the motion. If the mover of a motion speaks on an amendment thereto, he loses his right of reply.

5.20. No speech, except with the permission of the presiding member, shall exceed ten minutes in duration provided that the mover of a resolution in moving the same may speak for fifteen minutes.

5.21. (i) No member shall vote on, or take part in, the discussion on any subject coming up for consideration at a meeting of the Samiti if the subject is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or as partner.

(ii) The presiding member may prohibit any member from voting on, or taking part in, the discussion on any subject in which he believes such member to have pecuniary interest, or he may require such member to absent himself during the discussion.

(iii) Such member may challenge the decision of the presiding member, who shall thereupon place the matter before the meeting. The decision of the meeting shall be final.

(iv) If the presiding member is believed by any member present at the meeting to have any such pecuniary interest in any subject under discussion, the presiding member, may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

(v) The member concerned shall not be entitled to vote on the question referred to in sub-rule (iii) and the presiding member shall not be entitled to vote on the motion referred to in sub-rule (iv).

5.22. An order of business for the day shall be prepared by the presiding member in the following order :—

(1) Interpellations and questions.

(2) Papers to be paid on the table of the Samiti for the first time (no discussion shall be allowed on these papers on that day).

(3) Report of the action taken on the decisions of the previous meeting.

(4) Election of members to Standing Committees.

(5) Matters relating to urgent official business brought forward by the presiding member.

(6) Any motion regarding change of order of business.

(7) Proceedings of Standing Committees.

(8) Resolutions.

(9) Other official business.

5.23. The members shall sit in such order as the presiding member may appoint. The members shall speak only from their places. A member desiring to speak on any matter before the Samiti shall rise from his place, but shall not speak before the presiding member calls the name of the speaker, when he shall address the presiding member. If two or more members rise simultaneously to speak, the presiding member shall call the member who first caught his eye to speak first. The other member or members shall immediately resume their seats. At any time the presiding member rises in his seat, any member speaking shall resume his seat. When a member is called to order by the presiding member he shall immediately sit down.

5.24. (i) No business, not included in the list of business for the day, shall be transacted at any sitting except in the form of a motion and without the leave of the presiding member and of the Samiti.

(ii) Not more than one such motion shall be made at any one sitting.

(iii) Not more than one matter shall be discussed on the same motion and the motion shall be restricted to a specific matter of recent occurrence.

(iv) The motion shall not raise discussion on a matter which has been discussed at a meeting of the Samiti during the previous three months.

(v) The motion shall not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given.

(vi) The motion shall not deal with a matter on which a resolution could not be moved.

(vii) Leave to make such a motion must be asked for after questions at the ordinary meetings before the business for the day is entered upon.

(viii) The member making such a motion shall hand over to the presiding member a written statement containing the motion before the meeting commences but he shall not speak thereon.

(ix) The presiding member if he is of opinion that the motion is in order shall read the same to the Samiti and ask the Samiti if it gives leave. If three-fourths of the members present and voting signify their assent, the presiding member shall announce that the motion will be taken up in that meeting.

(x) The debate on such motion shall automatically terminate that day after which no question can be put.

Resolutions.

5.25. (i) Any member may move a resolution relating to a matter concerning the administration of the Samiti.

(ii) The presiding member shall decide on the admissibility of a resolution and shall disallow any resolution which in his opinion contravenes the provisions of the Act or the rules made thereunder, and his decision shall be final.

(iii) Every resolution shall be clearly and precisely expressed and shall raise a definite issue.

(iv) Resolutions shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall they refer to the conduct or character of persons except in their official or public capacity.

(v) Resolutions shall be of an affirmative character.

(vi) Notice of resolution shall be in writing and signed by the mover.

(vii) A member who wishes to move a resolution shall give at least eight clear days' notice of his intention and shall together with the notice submit a copy of the resolution which he wishes to move, but the presiding member may allow, for reasons to be stated by him, a resolution to be entered on the list of business with shorter notice than eight days.

(viii) The relative precedence of resolutions given notice of by members for being moved at meetings of the Samiti shall be determined by ballot.

(ix) No member shall be entitled to ballot for more than one resolution at a time.

(x) Resolutions ballotted but not reached or disposed of shall lapse.

(xi) A member shall be at liberty to give fresh notice in respect of resolutions which have lapsed.

(xii) Not more than ten resolutions according to the order of priority determined by ballot shall be set down for every meeting.

(xiii) A member in whose name a resolution apperas on the list of business shall, when called upon, either–

(1) move the resolution, or,

(2) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect.

(xiv) If the member when called upon is absent, the resolution standing in his name shall be considered to have been withdrawn.

(xv) Every resolution which has been moved shall be seconded. Otherwise it shall not be discussed, nor shall any question be put on it.

(xvi) The discussion on a resolution shall be limited to the subject of the resolution.

(xvii) When any resolution involving several points has been discussed, it shall be in the discretion of the presiding member to divide the resolution, and put each or any point to vote separately as he may think fit.

(xviii) Routine resolutions, namely, regarding periodical statements and proceedings of the Standing Committee and the like, may be put to the meeting by the presiding member without their having been moved or seconded.

(xix) The presiding member has the same right of moving or seconding or speaking on a resolution or motion as any other member.

Interpellations.

5.26. (i) Notice of a question shall be given at least eight clear days before the sitting of the Samiti at which it is to be asked, and a copy of the question shall be submitted with the notice:

Provided that the presiding member may allow a question to be asked with shorter notice than eight days, or may extend the time for answering a question. The B.D.O./Secretary may with the permission of the presiding member answer interpellations and supplementary questions thereon.

(ii) A question may be asked for the purpose of obtaining information on any matter pertaining to the adiminstration of the Samiti.

(iii) In order that a question may be admissible it shall satisfy the following conditions:–

(a) It shall not contain any name or statement not strictly necessary to make the question intelligible.

(b) If a question contains a statement, the member asking shall make himself responsible for the accuracy of the statement.

(c) It shall not contain arguments, inferences, ironical expressions or defamatory statements.

(d) It shall not ask for the expression of opinion or the solution of an abstract legal question or of a hypothetical proposition.

(e) It shall not ask about the character or conduct of any person except in his official or public capacity.

(f) It shall not relate to the individual grievances or complaints of members of the Samiti establishment.

(g) It shall not be of excessive length.

(h) A question once fully answered shall not be asked again.

(iv) The presiding member may, within the period of notice disallow any question or any part of a question, on the ground that it relates to a matter which is not primarily the concern of the Samiti, and if he does so, the question or part of the question shall not be placed on the list of the questions.

(v) The presiding member shall decide on the admissibility of a question, and may disallow any question when, in his opinion, it is an abuse of the right of questioning or is in contravention of these rules or on the ground that it cannot be answered in the public interest.

(vi) The questions which have not been disallowed shall be entered in the list of questions for the day, and shall be called, if the time made available for questions permits, in the order in which they stand in the list, before any other business is entered upon at the meeting.

(vii) The first thirty minutes of every ordinary meeting shall be available for the asking and answering of questions.

(viii) Interpellations shall not be adjourned.

(ix) Any member may, at any time, raise a point of order for the decision of the presiding member but in doing so shall confine himself solely to stating the point.

5.27 (i) After the debate on a question is concluded, the presiding member shall put the question to vote.

(ii) When a question is put to vote, the presiding member, shall call for a show of hands, and he shall count the hands shown for or against, declare the result.

(iii) An item of business may be passed over if no motion is proposed in reference thereto.

(iv) A member is guilty of breach of order, who—

(a) uses objectionable or offensive words and refuses to withdraw them or offer apology ;

(b) wilfully disturbs the peaceful and orderly conduct of the meeting ;

(c) refuses to obey any order from the Chair; or

(d) does not resume his seat when the presiding member rises from his chair or when he is called upon to do so by the presiding member.

(v) Any member may take objection to any offensive words.

(vi) A member who objects to offensive words should move "that the words be taken down". If his motion is agreed to, the presiding member shall direct that the words be taken down.

(vii) Objections to offensive words shall be taken when the words are used and not after another member has begun to speak.

(viii) A member whose words have been taken down shall be guilty of a breach of order.

(ix) The presiding member, after having called the attention of the Samiti to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

(x) The presiding member may direct any member, whose conduct is in his opinion, grossly disorderly, to withdraw immediately from the meeting and any member so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting. If any member is so directed by the presiding member for a second time, he may further order that the member shall be absent from meetings of the Samiti for a certain period not exceeding four months.

(xi) The Chairman may, in case of grave disorder arising in the meeting of the Samiti, suspend any sitting for a time to be named by him.

5.28. At any time after a motion has been made and at the end of speech, any member may move "that the question be now put", and unless it appears to the presiding member that such motion is an abuse of the rules of the Samiti or an infringement of the right of reasonable debate, the question "that the question be now put" shall be put forthwith and decided without amendment or debate. Should the motion be carried, the presiding member shall take the sense of the meeting whether the mover be allowed to reply. If the mover is so allowed he shall bring his reply to a close within five minutes. After that, or should the reply by the mover be not allowed, the motion or amendment or amendments under debate shall be at once put.

Committees of the Samiti.

5.29. The number of committees which the Samiti should constitute be laid down by law. Two of these should be:

(i) The Finance, Taxation and Administration Committee; and

(ii) The Agriculture and Industries Committee.

It is desirable that the committee mentioned at (i) above functions as the Standing Committee.

5.30. Normally a member should not be a member of more than one committee.

5.31. Where the statute does not make provision for the number of members on a committee, the minimum strength of each committee should be determined by dividing the total number of members by the number of committees and rounding it to the nearest number.

5.32. The Chairman of the Samiti should be the Chairman of the Finance, Taxation and Administration Committee and the Vice-Chairman, the Chairman of the Agriculture and Industries Committee. The Chairman shall be *ex-officio* member of all the committees.

5.33. The Block Development Officer shall attend all the meetings of all the committees and record and maintain the proceedings thereof. He shall be entitled to participate in the deliberations at such meetings, but shall not have the power to vote. If for any reason, the B.D.O. is unable to attend any meeting of a committee, he shall depute another officer to attend such meeting. The Extension Officers shall attend meetings of the committees when required to do so.

5.34. If it appears to a committee that the presence of any District level officer dealing with development work is desirable at any of its meetings for the purpose of obtaining his views or any information from him on any point related to the duties and functions of the Panchayat Samiti, it shall be competent for the Samiti by a letter addressed to such officer not less than 15 days previous to the meeting, to require his presence thereat and the said officer unless prevented by sickness or other reasonable cause shall be bound to attend such meeting. Such officer on receipt of such letter may, if unable to be present himself, send a Deputy or Assistant or other competent subordinate, duly briefed, to attend the meeting as his representative instead of appearing thereat in person.

5.35. The procedure for the meetings of the committees shall generally be the same as that for the meetings of the Panchayat Samiti referred to in paras 5.1. to 5.28.

Delegation of powers.

5.36. The State Government may itself by statute delegate certain minimum powers including powers of financial sanction to the committees of the Panchayat Samiti. In addition, subject to such limitations as may be prescribed, the Samiti may delegate to the committees such powers as it deems fit and shall indicate the general lines on which the powers may be exercised by the committees.

Financial jurisdiction.

5.37. The delegation made to the committees by the Samiti should also include specific powers of financial sanction. The exercise of these powers should be subject to specific provisions already made for individual items of work in the budget of the Samiti. The committees should have power of reappropriation within the allotted funds up to a 5 per cent. increase in the estimated cost of any work.

Where additional funds are required reference should be made to the Samiti either for additional allotment or for re-appropriation.

5.38. The committees may have power to write off irrecoverable dues and losses upto a maximum of Rs. 100/- in each case. The total limit of the amounts so written off in any year shall not exceed Rs. 500/-.

5.39. In regard to the sanction of loans to individuals/ institutions, a maximum limit of Rs. 1500/- Rs. 3000/- may be laid down in each case. The power of sanction by the committees will in each case be subject to the rules in force in regard to the grant of loans under specific schemes.

5.40. Minutes of the meeting shall be drawn up and entered in a book to be kept for the purpose and shall be signed by the person presiding over each meeting. Where a decision taken in matters connected with law, procedure, standing orders of Government, etc. is not in consonance with the advice rendered at the meeting by the Block Development Officer, a record of the advice rendered by him shall be kept as part of the proceedings.

5.41. A copy of the proceedings of every meeting of a committee shall, as soon as possible, be forwarded to:—

(i) The Panchayat Samiti ;

(ii) The Zila Parishad;

(iii) The Collector.

Extracts of the proceedings of the committees relating to the work of development or technical departments in the district shall be sent by the B.D.O. to the District Officer concerned.

5.42. The Panchayat Samiti should reserve to itself the power to review, cancel, modify or otherwise amend any decision of a committee within 90 days of the meeting of the committee.

The Samiti shall also have the power to issue such general or special directions to the committees on a review of their proceedings.

5.43. Where a work is of interest to more than one Panchayat or is beyond the capacity of a Panchayat to execute, the Panchayat Samiti may with the consent of the Panchayat or Panchayats concerned undertake

and execute the work and also undertake its maintenance on mutually agreed terms.

Correspondence.

5.44. While the Chairman may address letters to any person or institution in his official capacity, the normal channel of correspondence will be between the executive authority or Secretary of one institution and the executive authority or Secretary of another. The B.D.O. shall place all important letters before the Chairman before issue. All important communications received by the B.D.O. shall also be put up to the Chairman. In the event of his absence from headquarters, the papers shall be put up to him as soon as possible, on his return. All important and urgent communications issued during the absence of the Chairman shall also be similarly put up to him.

Supervision over the work of Panchayats.

5.45. The Panchayat Samiti or its committees may:

(a) direct any Panchayat to make provision for and to execute or provide any public work or amenity or service corresponding to or directly bearing on any scheme of the Panchayat Samiti;

(b) call for any record, register or other document in the possession or under the control of any Panchayat or its executive authority;

(c) require any Panchayat to furnish any return, plan, estimate, statement of account or statistics;

(d) require any Panchayat to furnish any information or report on any matter connected with such Panchayat;

(e) record in writing for the consideration of any Panchayat, any observation in regard to its proceedings or duties;

(f) require the Panchayat to take into consideration:

(i) any objection which appears to the Samiti to exist to the doing of anything which is about to be done or is being done by such Panchayat; or

(ii) any information which the Samiti furnishes and which appears to the Samiti to necessitate the doing of a certain thing by the Panchayat; and to make a written reply to the Samiti within a reasonable time setting forth its reasons for not desisting from doing or for not doing such things.

Relationship of the Executive Officer of Panchayat Samiti.

5.46. *With the Panchayat Samiti.*—The executive officer shall present a progress report and shall apprise the Samiti of important communications received in or issued from the office of the Samiti.

5.47. The Executive Officer shall ensure that the agenda for meetings of the Panchayat Samiti and its committees is accompanied by suitable notes on various items of the agenda. At the end of each note, issues which require consideration and decision should be clearly indicated.

5.48. A copy of the tour programme of the Executive Officer shall be placed on the notice board of the Panchayat Samiti.

5.49. Within the limits of deviation or delegation authorised by the Panchayat Samiti, the Executive Officer (or the Chairman if so authorised) may in the course of execution deviate from a decision of the Panchayat Samiti or its committee. Such deviation shall be reported to the Panchayat Samiti or the committees as the case may be at its next meeting.

5.50. *With the Chairman of Panchayat Samiti.*—The Executive Officer shall work under the administrative control of the Chairman. As such—

(a) the Chairman shall have power to sanction casual leave to the Executive Officer;

(b) approval of the Chairman shall be obtained for the Executive Officer's tour programme in advance except in unavoidable circumstances;

(c) the Executive Officer shall submit his tour diaries to the Chairman;

(d) the Executive Officer shall keep the Chairman posted with the progress of various activities in the Block, as also with the problems and difficulties, if any, experienced in the working, from time to time.

(e) The Executive Officer should obtain orders of the Chairman in writing on important issues arising during execution and matters falling within the purview of the Chairman's powers.

5.51. Where a difference of opinion arises between the Executive Officer and the Chairman as to the interpretation of a resolution or decision of the Panchayat Samiti or any of its Committees, a reference should be made to the body concerned and clarification of its intention should be obtained promptly. If such difference of opinion relates to instructions issued by Government or Zila Parishad or any authority subordinate to the Government or the Zila Parishad reference should be made to the district level officer concerned.

5.52. *With the individual members of the Panchayat Samiti.*—The Executive Officer shall, on demand, supply information or make available for perusal in the office any record to a member of the Panchayat Samiti, unless for reasons to be given in writing, the Executive Officer considers it proper to refuse the request.

5.53. The Executive Officer shall ordinarily send copies of his tour programme to the Panchayats and members of the Panchayat Samiti whose areas he proposes to visit.

5.54. Information about the action taken on important suggestions made by individual members from time to time, shall be given in the progress reports submitted to the Panchayat Samiti. (A suitable *proforma* for preparation of progress reports needs to be devised).

5.55. *With the Block level staff.*—The Block Level Extension Officers should work under the administrative control of the Executive Officer.

6. ZILA PARISHAD

Convening of Meetings.

6.1. The procedure for the convening of the Parishad meetings, service of notice, circulation of agenda, quorum, conduct of meetings, decision on questions, record of proceedings and responsibility for maintenance of records shall be the same as that indicated for the Panchayat Samiti.

Committees.

6.2. The number of committees (functional or standing) that a Zila Parishad should have, may be fixed by statute. Two of these may be (i) Finance Taxation and Administration Committee, (ii) Agriculture and Industries Committee.

6.3. Where the statute does not make any provision for the number of members on a committee, the strength of each committee shall be determined by dividing the total number of members of the Parishad by the number of committees and rounding it off to the nearest number.

6.4. Normally a member of the Parishad should not be a member of more than one committee.

6.5. The Chairman of the Parishad shall be ex-officio member of all the committees.

6.6. The procedure for service of notices, circulation of agenda, conduct of meeting, decisions, record of proceedings and maintenance of records in the case of Committees shall be the same as that for the Zila Parishad.

6.7. If it appears necessary to a committee that the presence of a District or Divisional (Regional) officer of a development or technical department is desirable at any of its meetings for the purpose of obtaining his views or any information from him on any point or points having a bearing on the duties and functions of the Parishad, it shall be competent for the committee by a letter addressed to such officer by the Secretary, not less than 15 days previous to the intended meeting, to require his presence thereat. The said officer unless prevented by sickness or reasonable cause shall be bound to attend the meeting.

6.8. Such officer on receipt of such letter may, if unable to be present himself, send his Deputy or Assistant or other competent subordinate, duly briefed, to attend the meeting as his representative instead of attending it in person. (Where however the district officer is an ex-officio member of the Parishad he will be coopted on the appropriate committee and the above does not apply).

6.9. The Executive Officer of the Parishad shall attend all the meetings of all committees, and be entitled to participate in the deliberations of the committees, but not to vote thereat. He shall record and maintain the proceedings of the meetings. If for any reason, the Executive Officer is unable to attend any meeting of the committee he shall depute another officer to attend the meeting.

6.10. Such District and Divisional Officers as the Government may by order specify shall have the right to speak in and otherwise take part in the proceedings of any meeting of a Standing Committee, but shall not be entitled to vote thereat.

Delegation of Powers.

6.11. The Parishad may delegate such of its powers as it deems fit to the committees and while so delegating, shall indicate the general lines on which the powers may be exercised by the committees.

Financial Jurisdiction.

6.12. Specific powers of financial sanction should also be vested in the committees. The exercise of these powers by the committees shall be subject to specific provisions already made for individual items of work in the budget of the Parishad. The committees should have power of reappropriation within the funds provided up to a 5 per cent. increase in the estimated cost of the work. Where additional funds are required, reference should be made to the Parishad either for additional allotment or for reappropriation.

6.13. A copy of the proceedings of every meeting of the committee shall be forwarded to the Zila Parished and the Collector.

6.14. Extracts of the proceedings of the committees relating to the work of development or technical departments in the district, shall be sent by the Executive Officer to the District Officer concerned.

6.15. The Parishad should reserve to itself the power to review, cancel, modify or otherwise amend any resolution of a committee within 90 days of the meeting of the committee.

6.16. The Executive Officer shall forward to every Panchayat Samiti extracts from the decisions of the Zila Parishad as well as of its committees in respect of works and institutions relating to a particular Panchayat Samiti to the Panchayat Samiti concerned.

6.17. In order that the Parishad may be able to (i) assist in the progress of works and schemes under the various schemes drawn up by the Parishad, and (ii) provide necessary assistance and guidance to the Panchayat Samitis in the implementation of their programmes, the chairman of the Parishad should visit the Panchayat Samitis at frequent

intervals and in any case, not less than twice a year. He should discuss with the members of the Samitis the problems arising out of the implementation of their own plans and assist to the extent possibe in resolving them. He should also visit the major institutions and works in progress within the areas of the Panchayat Samitis. He will bring points requiring action to the notice of the executive authority or officers of the deveopment departments of Government as the case may be.

Works of interest to more than one Samiti.

6.18. Where the work is of interest to more than one Panchayat Samiti or is beyond the capacity of a Panchayat Samiti to execute, the Parishad may with the consent of the Samitis or Samiti concerned undertake and execute the work and also undertake its management or maintenance on mutually agreed terms.

Correspondence

6.19. All correspondence of the Zila Parishad will normally be carried on by the Executive Officer on its behalf. The Executive Officer shall place all important letters before the chairman before issue. All important communications received by the Executive Officer shall be put up to the chairman. In the event of the chairman's absence the papers shall be put up to him as soon as possible on his return. All important and urgent communications issued during the chairman's absence shall also similarly be put up to him for his perusal.

Relationship of the Secretary/Executive Officer, Zila Parishad.

6.20. **With the Zila Parishad.**—(a) The Secretary/Executive Officer shall present a progress report and shall apprise the Parishad of important communications received in or issued from the office of the Parishad.

(b) The Secretary/Executive Officer shall ensure that the agenda for meetings of the Parishad and its committees is accompanied by suitable notes on various items of the agenda. At the end of each note issues which require consideration and decision should be clearly indicated.

(c) A copy of the tour programme of the Secretary/Executive Officer shall be placed on the Notice Board at the office of the Parishad.

(d) Within the limits of deviation or delegation authorised by the Parishad the Secretary/Executive Officer (or the chairman, if so authorised) may, in the course of execution of a decision of the Parishad or its committee, deviate from it. Such deviation shall be reported to the Parishad or the committee as case may be, at its next meeting.

6.21. **With the Chairman of the Parishad.**—The Secretary/Executive Officer shall work under the administrative control of the chairman, as such—

(a) The chairman shall have power to sanction casual leave to the Secretary/Executive Officer.

(b) Approval of the chairman shall be obtained for the Secretary's/ Executive Officer's tour programme in advance except in unavoidable circumstances.

(c) The Secretary/Executive Officer shall submit his tour diaries to the chairman.

(d) The Secretary/Executive Officer shall keep the chairman posted with the progress of various activities in the district as also with the problems and difficulties, if any, experienced in the working from time to time.

(e) The Secretary/Executive Officer should obtain orders of the chairman in writing on important issues arising, out of the execution of the decisions of the Parishad or of its committees, and matters falling within the purview of the chairman's powers.

6.22. Where a difference of opinion arises between the Secretary/ Executive Officer and the chairman as to the interpretation of a resolution or decision of the Parishad or any of its committees, a reference should be made to the body concerned and clarification of its intention obtained promptly. If such difference of opinion relates to instructions issued by Government or any authority subordinate to the Government, a reference should be made to the officer concerned.

6.23. *With the individual members of the Parishad.*— (a) The Secretary/ Executive Officer shall, on request, supply any information or make available for perusal in the office, any record to a member of the Parishad, unless for reasons to be given in writing he considers it proper to refuse the request.

(b) The Secretary/Executive Officer shall ordinarily send copies of his tour programme to the Panchayats, Panchayat Samitis and members of the Zila Parishad whose area he proposes to visit.

(c) Information about the action taken on important suggestions made by individual members from time to time shall be given in the progress reports submitted to the Parishad. (A suitable proforma for preparation of progress reports to be placed before the Parishad may be devised).

6.24. The Secretary shall have administrative control and supervision over the staff borne on the estabishment of the Zila Parishad and the staff working in institutions and works transferred by the Government to the Zila Parishad.

7. PLANS AND PROGRAMMES

Procedure for determination of Panchayat Plan, association of Gram Sabha with it, and its correlation with Samiti's plan.

7.1. A tentative Five-Year Plan shall be drawn up by each Panchayat in consultation with the Gram Sabha. This plan shall be prepared after taking into account the National and State priorities and the felt needs of the area. It shall also be prepared in the light of the total resources reasonably expected to be available for the purpose. The Panchayat Samiti shall be responsible for indicating to each Panchayat the amount of grants likely to be given by or through the Samiti to the Panchayat during the period.

7.2. The annual programme of work to be prepared by the Panchayat should normally fit into the Five-Year Plan. The annual plan should be processed in the following manner:–

(i) A plan relating to the financial resources including local revenues of the Panchayat, grants-in-aid, voluntary contributions, and shramdan, etc. should be initially prepared by the Panchayat.

(ii) Within these estimated resources, a draft programme of work, based on National and State priorities and felt needs, should be framed by the Panchayat after making due allowance for existing liabilities.

(iii) The draft of the annual plan should be placed before the Gram Sabha. It should be fully discussed at the meeting of the Gram Sabha with a view to obtaining its views and suggestions.

(iv) The Panchayat should then recast the plan taking into account the discussions and suggestions at the meeting of the Gram Sabha.

(v) The plan so recast should be sent to the Panchayat Samiti which should scrutinise it with reference to the following points:

(a) Whether National and State priorities are adhered to;

(b) Whether it is realistic in the light of resources expected to be available to the Panchayat and also whether grants to be received from or through the Panchayat Samiti have been correctly taken into account; and

(c) Whether there is any over-lapping between the Panchayat's plan and the Samiti's plan.

7.3. The Panchayat Samiti should return the plan to the Panchayat with its remarks and suggestions, if any, for its modification. The suggestions of the Panchayat Samiti should be carried into effect by the Panchayat.

Plan of the Panchayat Samiti.

7.4. The Panchayat Samiti should prepare its Five-Year Plan in two parts. The first part should include the plans of the Panchayats in the Block and the second part should include the Samiti's schemes and works. These will usually be schemes and works benefiting more than on Panchayat and which are not included in the Panchayat's plans. In preparing the plan of such activities, the National and State priorities, felt needs of the area and other liabilities should be taken into consideration by the Samiti in the light of the resources likely to be available for the purpose. Grants to be received from or through the Zila Parishad will be indicated by it, to the Samiti well in advance.

7.5. The annual programme of work of the Samiti should also be in two parts as indicated above.

7.6. There should be no distinction between plan and non-plan expenditure at the Panchayat and Samiti levels.

Annual District Plans.

7.7. In the light of the felt needs of the area reported by the Panhayat Samitis the Zila Parishad should indicate the tentative allocations likely to be available to each Panchayat Samiti. The Panchayat Samitis' plans should be scrutinised by the Parishad on the same lines as those indicated in para 7.2 above.

7.8. The district plans should comprise the following:—

(i) Block plans of all the blocks in the district including shadow blocks;

(ii) Plans of the Parishad in respect of items in its charge;

(iii) Schemes executed by Government departments concerned independent of the local bodies, viz. the Parishad and Samitis;

(iv) Development plans of Muncipalities in the district.

7.9. The annual plans should be prepared by the respective bodies at the same time as the budget. The time schedule laid down for the budget should therefore be adopted for the preparation of annual plans also.

8. PANCHAYAT BUDGET

8.1. The executive authority of every Panchayat shall prepare in each year a budget showing the probable receipts and expenditure of the Panchayat during the following year.

8.2. The budget shall, after it has been circulated among the Panchayat members in advance of the date fixed for the Gram Sabha meeting and after scrutiny by the budget committee, if any, of the Panchayat, be placed before a meeting of the Gram Sabha. Each item on the budget should be read and explained to the Gram Sabha. The Gram Sabha may make such suggestions for changes or modifications as it deems fit.

8.3. The budget shall then be modified, wherever possible on the basis of the suggestions and the Panchayat shall approve the budget.

8.4. In approving the budget, the Panchayat shall satisfy itself—

(i) that the estimate of receipts is exhaustive and cautious (receipts should include anticipated grants and contributions);

(ii) that due provision has been made for all obligatory charges;

(iii) that provision has been made for all liabilities in respect of loans contracted by the Panchayat and for other commitments;

(iv) that the variations between the figures of the budget year and previous year are fully explained;

(v) that a working balance of not less than ten per cent of the estimated receipts during the year is provided for; and

(vi) that the budget is not deficit.

8.5. The Panchayat Samiti or other authority shall give an indication of the extent of probable resources which can be made available to the Panchayat for various items of work, so that the Panchayat may frame its budget on this basis. This is absolutely necessary in respect of grants for development works, which it would not be possible for the Panchayat to estimate. Such advance indication shall be given to each Panchayat at least 30 days in advance of the date fixed for submission of the budget by the Panchayat.

8.6. The budget of the Panchayat, as finalised by it, shall be submitted by the Panchayat to the Panchayat Samiti by a date to be specified.

8.7. The Block Development Officer shall, on receipt of the budgets from the consituent Panchayats, examine them with reference to the points

mentioned in para 8.4 above. He shall also ensure that the budget takes into account only that level of development funds being made available by the Samiti as has been indicated by the Samiti.

8.8. Based on such examination the Block Development Officer shall place before the Standing Committee to whom the powers may be delegated, the budgets of all the constituent Panchayats, suggesting such modifications as he considers necessary. The Standing Committee shall consider these suggestions and finalise its own suggestions for modifications in the Panchayat budgets.

8.9. The budgets with the suggested modifications shall be returned to the Panchayats. The Panchayat shall then consider the modifications suggested by the Samiti. In respect of all development works, financed by grants-in-aid from the Samiti, the modifications suggested by the Samiti shall be binding on the Panchayat. In respects of all other items, the Panchayat shall take into account the modifications suggested by the Samiti and modify the budget wherever it agrees that such modifications are necessary.

8.10. The Panchayat shall then pass the budget as thus modified.

8.11. Copies of the budget so passed should be (i) kept at the office of the Panchayat for inspection by any member of the Gram Sabha, (ii) forwarded to the Samiti, and (iii) forwarded to the prescribed audit and inspecting authorities of the district.

8.12. The State Government's budget year and the budget year of the local bodies may have a phased difference. This may be three or six months, so that the budget year for local bodies will be July to June or October to September. Unless this is done, it will not be possible for the various local bodies to frame their budgets after taking into account the exact assistance which will be available from higher authorities. In that case, funds will have to be drawn and credited to the acounts of the local bodies before the end of the financial year of the State Government viz. 1st April to 31st March.

8.13. A time schedule should be laid down for the various stages in the finalisation of the Panchayat budget. It should also be laid down that where the Samiti fails to send any suggestions for modification within the period prescribed, the Panchayat shall assume that the Samiti has no remarks to offer and finalise the budget accordingly.

8.14. An illustrative time schedule on the basis of the existing financial year (April-March) may be as follows:

(a) Indication of grants	30—11
(b) Preparation and passing of budget by Panchayat.	30—12
(c) Consultation with Gram Sabha	21—1
(d) Communication of Samiti	31—1
(e) Return by Samiti	28—2

8.15. A simple form should be prescribed for the preparation of the budget and accounts. The forms prescribed should be so drawn up as to indicate separately expenditure incurred out of grants given for specific purposes. The budget form should also contain a loans account and a loans statement and a statement of expenditure on establishment. A detailed programme of works should be enclosed. A full explanatory note should also form part of the budget.

8.16. *Panchayat Samiti's Budget.*—The B.D.O. shall prepare the budget of the Samiti by the prescribed date.

8.17. Copies of the draft budget shall be circulated to members of the Taxation and Finance Committee of the Samiti in advance of the date fixed for the meeting. The committee will scrutinise the budget and shall make such alterations as it thinks fit. This draft budget shall then be circulated to all members of the Samiti.

8.18. The budget so framed shall then be finalised by the Panchayat Samiti.

8.19. The budget should satisfy the conditions mentioned in para. 8.4 and 8.15 above.

8.20. The Zila Parishad shall give the Samiti an indication of the resources which it can make available to the Samiti during the budget year at least 30 days in advance of the date prescribed for the Samiti's budget.

8.21. The Samiti shall forward its budget to the Zila Parishad within a date to be specified.

8.22. On receipt of the budgets from the Samitis, the Secretary of the Zila Parishad shall scrutinise the budgets to ensure that the budgets are in order. He should then place the budgets before the parishad suggesting such modifications as he considers necessary. The Parishad shall consider these and finalise its suggestions for modifications of the Panchayat Samiti budget. Where however the Standing Committee is empowered to consider the Samitis budgets, this can be done by the Standing Committee.

8.23. The budgets with the suggestions shall be returned to the Samitis. The Samiti shall then consider the modifications suggested. In respect of development works financed by grant-in-aid from the Parishad, the Parishad's/Standing Committee's suggestions shall be binding on the Samiti. In respect of other items, the Samiti may accept such modifications as it deems fit.

8.24. The Samiti shall pass the budget as thus modified. Copies of the budget should be (i) kept at the office of the Samiti for inspection by any resident of the Samiti area, (ii) forwarded to the Zila Parishad and (iii) forwarded to the prescribed audit and inspecting authorities.

8.25. The illustrative time schedule may be as follows:—

(a) Indication of grants	15–11
(b) Preparation and passing of budget by Samiti.	31–12
(c) Communication to Zila Parishad	31–1
(d) Return by Parishad	28–2
(e) Final passing	15–3

8.26. Suitable forms for the preparation of budget and the maintenance of accounts should be prescribed. The budget should have subsidiary statements giving—

(a) special Government grants account for capital works and other special purposes,

(b) loans account,

(c) loans statement,

(d) investment account,

(e) statement of assets and liabilities

(f) abstract of cash deposit accounts,

(g) abstract of advances,

(h) statement of expenditure on establishment,

(i) programme of works, and

(j) full explanatory note.

8.27. *Zila Parishad's Budget.*—The procedure to be followed by Zila Parishads in the preparation and finalisation of budgets shall be on lines similar to those for the Panchayat Samitis subject to the following:—

8.28. The State Government shall give advance indication of resources likely to be available to the Zila Parishad by 31st October.

8.29 The Zila Parishad should submit its budget to the State Government who may suggest modifications in it. In respect of works and schemes financed from grants-in-aid from the State Government, the modifications suggested by the State Government shall be binding on the Parishad and in respect of other items it may accept such modifications as it deems fit.

8.30. The illustrative time schedule may be as follow:—

(a) Indication of grants	31–10
(b) Preparation and passing of budget by Parishad	31–12
(c) Communication to State Govt.	31–1
(d) Return by State	28–2
(e) Final passing	15–3

8.31. Suitable forms for budget and accounts of the Zila Parishad should be prescribed.

8.32. The respective local bodies shall have power to revise the budget.

Where the revision relates to items of work financed from grants-in-aid received from a higher authority, such revision shall be subject to the prior approval of the higher authority concerned.

8.33. All such revised budgets shall be forwarded to the appropriate authorities.

9. ACCOUNTS AND EXPENDITURE

9.1 The State Government shall prescribe the accounts and registers to be kept by Panchayats, Panchayat Samitis and Zila Parishads. All books of accounts and registers should be substantially bound. Books and pages should be numbered before being brought into use and certified by the Executive Officer. No accounts should be prepared on sheets.

9.2 The necessary forms should be printed and supplied. The State Government should print and stock forms required by Panchayats and Panchayat Samitis who can obtain them on payment of the cost. The printing may wherever possible be done in the respective districts.

9.3. There should be a stock register of all forms and one officer should be held responsible for the stock and correct recording of issues.

9.4. All receipts of money, whether by cash or by transfer should be acknowledged on printed receipt forms bearing the seal of the local body.

9.5. The accounts should be maintained according to the prescribed form. Where new heads of account are found necessary, they should be opened only on approval of the State Government.

9.6. The executive authority shall be responsible for the proper maintenance of accounts.

9.7. The same person should not compile accounts and handle cash, wherever possible.

9.8. No expenditure should be incurred which does not have sanction of the competent authority. The mere inclusion of an item in the budget, shall not constitute sanction.

9.9. Suitable rules may be prescribed for such sanction to be vested in the

(i) main body,

(ii) committees,

(iii) Sarpanch or Chairman, and

(iv) Secretary/B. D. O.

9.10. Vouchers for payments should always be in the prescribed form.

9.11. All payments should be made only after the bills are passed by the executive authority unless any other officer is authorised in this regard.

9.12. All payments above a limit to be specified (say Rs. 50 for panchayats and Rs. 100/-for Panchayat Samitis) should ordinarily be by cheques. This need not, however, apply to payments for works done departmentally and to petty works.

9.13. Every Panchayat/Samiti/Parishad may sanction a permanent advance subject to a specified limit for the incurring of petty contingent expenditure. Transactions from out of this shall be entered in a register of contingent charges.

9.14. Where the moneys are lodged in a treasury, bank or post office on which cheques may be drawn, the executive authority shall not draw self-cheques except for—

(i) pay and allowances of establishment,

(ii) recoupment of permanent advance, and

(iii) works executed departmentally.

9.15. A cash book shall be maintained in the office and the balance struck and the cash verified at the end of each day, it being indicated in respect of each institution who should do the verification.

9.16. A posting register of receipts and charges shall be maintained which should be compiled from receipted chalans, transfer receipts, payment vouchers and transfer payments.

9.17. The accounts for each month shall be compiled at the end of the month and a return forwarded to the prescribed audit authority.

9.18. The annual account shall similarly be prepared and forwarded to the prescribed audit authority.

9.19. In respect of each tax, a separate demand, collection and balance register shall be maintained.

9.20. Arrears of collection shall be carried over to an arrears demand register.

9.21. Contributions received in cash towards items of work shall be credited to the accounts.

9.22. Contributions received in kind need not be brought into the cash accounts. A separate register shall be kept for keeping account of such receipts.

9.23. Each Panchayat/Panchayat Samiti/Zila Parishad may be permitted to keep on hand an amount not exceeding a specified limit. Funds in excess of this limit should be lodged in the treasury/bank/post office.

9.24. The Panchayat/Samiti/Parishad shall not appropriate receipts to current expenditure under any circumstances.

9.25. The accounts of each Panchayat/Samiti/Parishad shall be audited once a year. The audit should be a cent per cent audit.

9.26. The expenditure authority shall be responsible for the preparation of replies to all audit objections. He should place the replies so prepared before the Panchayat/Samiti/Parishad for its approval before forwarding it to the auditor.

9.27. The auditor shall have power to disallow every item contrary to law and the same may be surcharged on the persons responsible for such payment by the authority prescribed.

9.28. There should be a right of appeal against every such surcharge.

10. WORKS

10.1. The accounts procedure for works executed by or through Panchayats need not be as elaborate as for P.W.D. works. The rules should, however, provide adequate safeguards against misuse of public funds and extravagant expenditure. The following items should be covered by rules.

10.2. Works should be categorised into petty, minor, medium and major, depending on the value of work:

(a) *Petty.*—Original works, repairs and maintenance, costing not more than Rs. 500.

(b) *Minor.*—Original works, repairs and maintenance, costing more than Rs. 500 but not more than Rs. 3,000.

(c) *Medium.*—Original works, repairs and maintenance, costing more than Rs. 3,000 but not more than Rs. 10,000.

(d) *Major.*—Original works, repairs and maintenance, costing more than Rs. 10,000.

10.3. Petty works may be entrusted for execution to the Sarpanch or a Panch appointed by the committee dealing with the subject. The Panchayat should be in charge of the execution of minor works but may entrust them in part or in full to the concerned committee. Medium works may be carried out by the Panchayat under the technical supervision of the Block Overseer. Major works should be either entrusted to the technical department (P.W.D., Irrigation or Local Self-Government, as the case may be) for execution as a deposit work or may be executed by the Panchayat under the supervision of the Engineer of the Zila Parishad. For each major work it may be specifically decided as to how the Panchayat should assist in the execution.

10.4. It should be open to the Panchayat to treat any work in the first three of the four categories mentioned above as belonging to a higher category for purposes of obtaining technical assistance or for execution. If the services of technical officers of the Panchayat Samiti, Zila Parishad and Government are not available for any reason, a Panchayat may engage such technically qualified personnel, as may be approved by the Zila Parishad.

Preparation of plans and estimates.

10.5. Plans and estimates of minor works should be prepared by the Block Overseer. Plans and estimates of medium and major works should be

prepared by an Assistant Engineer or Engineer of the Panchayat Samiti or Zila Parishad.

Technical sanction.

10.6. The authorities competent to accord technical sanction should be as follows:—

Petty works.—No technical sanction should be necessary.

Minor Works.—Extension Officer of Rural Engineering of the Block.

Medium works.—Engineer of the Zila Parishad or Assistant Engineer of any technical department of Government.

Major works.—Executive Engineer of a Government department.

Sanction.

10.7. The authorities competent to accord administrative sanction should be as follows:

Petty.—Committee dealing with works, provided budget provision exists.

Minor, Medium & Major Works. } Panchayat, Panchayat Samities on Zila Parishads as the case may be.

Availability of services of engineers and overseers of Government and higher democratic bodies

10.8. Government should make the services of technical officers mentioned above available for preparation of estimates, according technical approval and executing or supervising Panchayat works at the request of the Panchayat, free of cost.

Variations.

10.9. If the cost of the work exceeds or is likely to exceed the original estimate by more than 5 per cent., revised estimate should be got approved by the authority which accorded administrative approval to the work. Any addition to a work considered necessary during execution which is not fairly contingent on the proper execution of the work as originally sanctioned, should be covered by a supplementary estimate accompanied by a full report of the circumstances which rendered it necessary.

Provision in the budget.

10.10. No work shall be commenced unless funds have been allotted for the work in the sanctioned budget and competent administrative and technical sanctions for the work have been obtained. If in any emergency the Panchayat takes up any work without provision in the budget, sanction of funds and the according of administrative and technical

sanctions should be arranged with the utmost expedition. The reasons for having started the work in anticipation of these sanctions should be recorded.

Period of validity of sanction and completion of work.

10.11. Administrative sanction for a work shall be valid for a period of one year. If the work has not been started within this period a fresh administrative sanction will be necessary.

Submission of information to the audit organisation.

10.12. The list of administrative sanctions accorded during a financial year for all works shall be forwarded by the Panchayat to the prescribed audit officer within a month of the close of the financial year specifying the amount sanctioned and the number and date of the resolution of the committe or the Panchayat.

Mode of execution of work.

10.13. A work may be executed directly or under contract or partly under contract and partly directly as may be determined by the authority competent to accord administrative sanction.

Schedule of rates.

10.14. A schedule of rates for items of work generally executed by the Panchayat should be maintained by the Executive Officer of the Panchayat Samiti. This should be based upon the schedule of rates of the P.W.D. in force during the year in the Public Works Division in which the area of the block is situated. The changes in the rates effected by the P.W.D. during the course of the year should be incorporated in the schedule of rates maintained by the Executive Officer of the Panchayat Samiti. If any particular items of work are not covered by the schedule of rates of the P.W.D., tenders should be invited by the Block Development Officer for such items for rate contracts and the rates for such items should be determined on the basis of tenders with the approval of the Panchayat Samiti. The schedule of rates for the Panchayat Samiti areas should be supplied by the Executive Officer of the Panchayat Samiti to all the Panchayats. Estimates should be prepared for every work on the basis of scheduled rates with such modifications as may be necessary to suit local conditions. Explanation for every variation should be given.

Purchase of materials and store.

10.15. (i) If bricks, cement, iron or any other building materials are made available by Government at specified rates the supplies should be obtained at the specified rates with the help of the officers of the Government regulating such supplies. If the officer concerned is not able to give

necessary assistance effectively within a month of the request made by the Panchayat, it should be permissible for the Panchayat to obtain supplies from the market at negotiated rates.

(ii) Stores and materials upto the value of Rs. 100 may be purchased from the market without inviting tenders. If supplies are available from several sources and the value of goods to be purchased exceeds Rs. 100 the supplies should be obtained after inviting tenders. The rules followed by Government departments for inviting, opening and acceptance of tenders should apply.

(iii) If the goods are to be delivered by the supplier at site, the rates for transport should be separately mentioned.

Management of labour.

10.16. Masons, carpenters, black-smiths, other skilled labourers and ordinary labourers may be engaged on daily wages prevalent in the area of the Panchayat by negotiation. They may also be engaged on piece work basis at the rates prevalent in the area of the Panchayat or neighbouring areas. The rates should not exceed the rates given in the schedule of rates.

Execution of petty and minor works.

10.17. Petty and minor works should generally be executed directly. However, if it is decided to execute them through a contractor, the contract for petty and minor works may be given by negotiation without calling for tenders by the authority competent to accord administrative sanction.

Execution of medium and major works.

10.18. Tenders should be invited for medium and major works, if they are to be executed on contract basis.

10.19. The form of tender should be prepared by the Block Overseer. At least one month's notice should be given for submission of tenders. Copies of tender notices should be issued to all the contractors residing within the block whose names are found in the list of approved contractors of the Panchayat Samiti, the Zila Parishad, the P.W.D., the Irrigation and Local Self Government (Engineering) offices in whose jurisdiction the Panchayat falls. Notice should also be posted on the notice boards of the Panchayat and the Panchayat Samiti. The notice should in all cases state where and when the document can be seen and when, where and to whom, tenders are to be submitted. The time and place of opening of the tenders should be specified. The amount of earnest money and the amount and nature of security required in case the tender is accepted should also be mentioned. The earnest money should normally

be 5 per cent of the estimated cost. It should be clearly mentioned that tender should be submitted in a sealed cover. Tenders should be opened at the time and place specified in the tender notice by the Sarpanch. A comparative statement should be got prepared by the Sarpanch and signed by him. He should also obtain on the comparative statement the signatures of these tenderers or their representatives who are present. If the Panchayat is the authority to accept the tender, the Sarpanch shall announce the date, time and place of the meeting of the Panchayat for this purpose. The tenders and comparative statement shall be placed before the Panchayat at the appointed time, date and place. Normally, the lowest tender shall be accepted but for reasons to be recorded in writing, a higher tender may be accepted. If all the tenders received are very much in excess of the estimated rates, the tenders may be rejected and contract may be given by negotiation at estimated rates or at any rates lower than the lowest tendered rates.

Security.

10.20. Security of not less than 5 per cent of the estimated cost of the work should be deposited by the contractor, at the time of signing the contract, in cash or in Government securities or in National Savings Certificates or in Post Office Cash Certificates. In addition to the security deposit, a deduction of 5 per cent should be made in the works bills of the contractors. Both the security deposit and the 5 per cent reserve withheld in the works bills should be repayable after due fulfilment of the contract.

Written contract.

10.21. A written contract should be executed in the prescribed form. It shall be signed by the contractor and by the Sarpanch.

Advances to contractors.

10.22. No advance shall be given to a contractor except on a resolution of the Panchayat which may sanction an advance only if it is impossible to get the work done without such advance.

10.23. Running payments can be made to the contractor on the basis of collection of material on the spot and the work done as laid down in the contract.

Measurement Book.

10.24. A measurement book in the prescribed form shall be kept for all work done on contract basis.

Muster roll.

10.25. A muster roll in the prescribed form shall be kept for all skilled and unskilled labourers engaged on daily wages or piece work for works done directly.

Completion certificates.

10.26. A completion certificate shall be prepared and issued by the person or body responsible for the execution of the work in the prescribed form and it shall be placed before the Panchayat. A plan of the work, abstract of cost and abstract of building material used shall form part of the completion certificate. No plan will be necessary for repairs or maintenance works.

Stocks.

10.27. All stocks, store, tools and plant purchased shall be entered in the stock book and if any stock is kept in the open, proper arrangements for watch and ward shall be made.

Ledger for every book.

10.28. A ledger shall be kept for every work and an abstract of cost and materials used shall be prepared from the ledger after the completion of work.

Completed works.

10.29. A list of completed works showing the name of each work, its location, date of commencement, date of completion, date of approval of completion certificate by the Panchayat and total cost shall be maintained by the Panchayat.

Map of Land.

10.30. A map of the land showing adjacent boundaries on which any work is constructed, shall also be kept by the Panchayat.

Donations in kind and voluntary free labour.

10.31. A separate account shall be kept of free voluntary labour, free transport and donations of land and materials for each work. The value of these donations in labour or kind should also be calculated. When the work is completed, the value of total donations should be added to the cash cost of the work.

Conditional grants and contributions.

10.32. If any work has to be executed on the basis of grants-in-aid or substantial contribution from individuals with certain conditions, these conditions must be fulfilled by the Panchayat and records may be maintained for them. A copy of the completion certificate in respect of these works may be forwarded to the authority giving the grant.

11. TAXATION

11.1. It is recommended that provision be made for the compulsory levy of certain taxes like property tax, profession tax, trade tax etc. by the Panchayats in all States. Failure to levy and realise these compulsory taxes should be regarded as non-fulfilment of their primary obligations.

11.2. Adequate provisions have been made in the rules framed by most of the States regarding the levy of taxes, surcharges, rates and fees, assessment, method of collection etc.

11.3. Provision exists in the various Irrigation Acts regarding the performance of customary obligations by the beneficiaries. With the introduction of the scheme of Panchayati Raj, it is felt that provisions should be made in the Panchayat Act itself to empower these local bodies to enforce the performance of customary obligations relating to irrigation. Towards this end, the following provisions may be made.

11.4. Every occupier of land, irrigated or served by any irrigation work as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work, shall perform, in respect of such work, without payment, the following customary labour:—

(a) filling up gullies, cracks, ruts and holes in the earth work;

(b) removing any growth of pernicious weed;

(c) clearing such underwood as may be considered by the prescribed authority to be injurious;

(d) clearing sand or silt from sluices and branch channels and repairing the earth-work of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;

(e) maintaining the bund to the standard level and with the slopes specified;

(f) keeping in order the feeder channels or tanks;

(g) watching the bunds during rainy weather, turfing the parts acted on by the waves, helping on opening and closing sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

11.5. Similarly, in respect of soil conservation, the items of work to be done by the beneficiaries without payment may be prescribed by the State Government.

11.6. It shall be the duty of the Panchayat Samiti to see that in respect of any irrigation work or soil conservation work situated in the village or villages in the Panchayat, the customary labour specified above is duly performed and the work maintained in an efficient condition.

11.7. If any person fails to fulfil his obligations, the Panchayat will call on all such persons by beat of drum to carry out the work by a specified date. In the event of their failure to comply with such requisition, the Panchayat may carry out the work.

11.8. The quantum of labour which each person is liable to contribute, and the proportionate share of labour for each village, in cases where an irrigation work or soil conservation work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

11.9. Whenever any person who is bound to contribute labour neglects or fails to do so without sufficient or reasonable cause, the Panchayat/ Panchayat Samiti may levy from such person a sum equivalent to the value of the labour which such person is bound to contribute and such amount shall be recoverable as an arrear of land revenue. It shall however, be open to every beneficiary to make a cash payment in commutation of such labour.

11.10. Any person aggrieved by such order of the Panchayat/ Panchayat Samiti may perform such labour or pay such amount under protest and appeal to the Samiti/Parishad within thirty days of the receipt of the order whose decision in the matter shall be final.

12. BASIC RECORDS

12.1. The report of the committee on Rationalisation of Panchayat Statistics is comprehensive in so far as it relates to the functions of the Panchayat other than judicial. The following additions may, however, be made:—

(i) A register of books in the Panchayat Library; and

(ii) The Inspection Register. (It should indicate the items for inspection for the guidance of the Inspecting Officer).

13. PANCHAYATI RAJ SERVICE

13.1. In addition to the already existing State Services each State may establish a Panchayat Raj Service. Recruitment to this service should be made on a district-wise basis. The Service may be divided into different categories and each category may be divided into different grades. The categories of staff which should be included in the Panchayati Raj Service should be determined mainly with reference to the functions entrusted to the elected bodies at the various levels. The Panchayati Raj Service should have its own rules.

13.2. Persons included in the Panchayati Raj Service should be assured of adequate security of service and chances of promotion in the respective departmental cadres of the State service.

13.3. Wherever possible the Municipal services may be integrated with the Panchayati Raj Service.

13.4. Class IV posts need not be encadred in the Panchayati Raj Service, but rules relating to the terms and conditions of service with service benefits like provident fund or gratuity (or both) and rules of disciplinary control and conduct should be framed.

13.5. There should be a Panchayati Raj Public Service Commission for each State which will undertake a common State-wide recruitment. After recruitment, the persons will be allotted to the various districts.

13.6. An authority may be prescribed at the district/block levels which will have powers of control and discipline and powers to make transfers and postings.

13.7. The services of State servants may be placed at the disposal of the local bodies on such terms as may be prescribed.

14. NO-CONFIDENCE MOTIONS

In respect of the provisions made for no-confidence motions generally, it is recommended that a provision for disallowing any motion of no-confidence brought up within a period of 6 months of the election of the person to the office should be included.

15. OFFICE PROCEDURE

15.1. The office procedure prevalent at the district level may be followed down to the Panchayat Samiti level. At the Panchayat level the simple system known as "From and to" system or "Inward and outward" system may be adopted.

15.2. The Panchayat Extension Officer shall make a detailed inspection of each Panchayat Office at least once a year and make a second inspection after an interval of not less than three months and not more than six months, mainly to check compliance with the instructions and rectifications of the defects noticed. The Block Development Officer should make a detailed inspection of at least 10 Panchayat offices in a year.

15.3. The Sub-Divisional Officer should carry out a detailed inspection of each Panchayat Samiti office once a year. The Collector/Additional Collector should make an inspection at least of one Panchayat Samiti office in each sub-division once in a year.

15.4. The Divisional Commissioner/Members, Board of Revenue, should inspect the offices of all the Zila Parishads at least once in a year.

15.5. The inspection reports of the Panchayat offices should be sent to the Block Development Officers and the District Panchayat Officer. The inspection reports of the Samiti offices should be sent to the Zila Parishad and the Collector. The inspection reports of the Zila Parishad offices should be sent to the Government. The authority receiving the inspection reports in each case should review the reports.

15.6. The authority conducting the inspection should, in each case, take follow-up action and see that the defects brought to notice are remedied and the instructions issued are carried out.

15.7. Suitable *proformae* should be evolved for the inspection of each of the local bodies.

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